

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN TARANTINO,)	
Plaintiff)	
)	
v.)	C.A. NO. 10-30004-MAP
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security Administration,)	
Defendant)	

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION REGARDING
PLAINTIFF'S MOTION TO REVERSE COMMISSIONER,
AND DEFENDANT'S MOTION TO AFFIRM COMMISSIONER
(Dkt. Nos. 9, 11, & 14)

April 19, 2011

PONSOR, D.J.

This is an action for judicial review of a final decision by the Commissioner of the Social Security Administration regarding Plaintiff's entitlement to Supplemental Security Income pursuant to 42 U.S.C. §§ 405(g) and 1381(c)(3). Plaintiff, proceeding pro se, and Defendant filed cross-motions seeking judgment, and these motions were referred to Magistrate Judge Kenneth P. Neiman for a report and recommendation.

On February 8, 2011, Judge Neiman issued his Report and Recommendation, to the effect that Plaintiff's motion should be denied and Defendant's motion should be allowed. The

Report and Recommendation informed the parties of their obligation to file any objection to the Report and Recommendation within fourteen days. See Dkt. No. 14 at 8 n.2. No objection has been filed.

Upon de novo review, the court will adopt the Report and Recommendation, deny Plaintiff's motion and allow Defendant's motion. The court's decision to adopt the Report and Recommendation is based both on the substance of Judge's Neiman's Report and Recommendation and upon the fact that Plaintiff has not offered any objection to it.

For these reasons, the court hereby ADOPTS the Report and Recommendation (Dkt. No. 14). The court hereby ALLOWS Defendant's Motion to Affirm the Commissioner (Dkt. No. 11) and DENIES Plaintiff's Motion to Reverse the Commissioner (Dkt. No. 9). The clerk will enter judgment for Defendant. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge